IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL.

Original Jurisdiction

Dated: Nainital: the 14th day of May 2004
Criminal Bail Application No. 228 of 2004

Order on the Bail Application:

CRIMINAL SIDE

Charan Singh S/o Samay Singh
R/o Nizampur Harchandpur,
P.S. Manglaur, District Haridwar

…….. Applicant.

Versus

State of Uttaranchal …… Opposite Party.

Arising out of Crime No. 426 of 2003
Under Sections: 146, 148, 149, 302, 120-B I.P.C.
Police Station: Jwalapur
District: Haridwar.

Hon'ble P.C. Verma, A.C.J.

Heard Shri P.S. Adhikari, learned counsel for the applicant and learned Additional Government Advocate.

The applicant is facing prosecution for the offence punishable under section 147, 148, 149, 302, 120-B I.P.C. in case crime No. 426 of 2003 at Police Station Jwalapur, District Haridwar.

The learned counsel for the applicant submitted that the applicant has been implicated. According to the learned A.G.A. Property dispute between the families of the applicant and the deceased is the cause of the death.

I have perused the F.I.R. and I have gone through the record.

From the perusal of the record, it transpires that the complainant had earlier lodged F.I.R. against the applicant and his family members, on which the police submitted final report. The deceased Mahendra Singh had also lodged a will on

27.10.2003 to the effect that though Babli (complainant) and her mother have made him fool and may kill her, yet the house/property which he had purchased in the name of Babli, will remain with her, but the house at Haridwar and property at Roorkee, which was in his name, will remain in exclusive ownership of his wife and son Vishal…… Therefore, it appears that the F.I.R. has been lodged on account of enmity. As such, I am of the view that the applicant may be enlarged on bail.

Let the applicant namely Charan Singh be released on bail on his furnishing a personal bond with two sureties each in the like amount to the satisfaction of the Magistrate concerned.

(P.C.Verma, A.C.J.)

Dt. 14.05.2004
HN